

# **MISSOURI SENTENCING ADVISORY COMMISSION**

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## **Advisory Sentencing Guidelines**

### **Users Manual - 1997**

#### **Training Sessions**

**Co-Sponsored by the Sentencing Advisory Commission  
and the Office of the State Courts Administrator**

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**The purpose of the Missouri Sentencing Guidelines is to recommend a uniform policy that will ensure certainty, consistency, and proportionality of punishment, recognize the impact of crime on victims, and provide protection for society. The use of these guidelines will result in minimal sentencing disparity and a rational use of correctional resources consistent with public safety.**



## State of Missouri Sentencing Advisory Commission

P.O. Box 236  
Jefferson City, MO 65102

### MEMBERS

January 23, 1997

Joe Moseley  
Commission Chair

Dora B. Schriro, Ed.D.  
Commission Vice-Chair

Scott Decker, Ph.D.

Judge James Eiffert

Representative Bill Gratz

Judge James Hartenbach

Gail Hughes

Dee Joyce-Hayes

Cranston Mitchell

Senator Larry Rohrbach

Edward Rucker

### STAFF

Tracy L. Knutson  
220 S. Jefferson  
St. Louis, MO 63103  
(314) 877-1142  
(314) 877-1081 Fax

The Missouri Sentencing Advisory Commission is pleased to present the enclosed advisory sentencing guidelines. The Commission was charged with establishing a system of recommended sentences for felony offenses. The advisory guidelines, in keeping with § 558.019 RSMo, are based upon the statutory ranges for each felony classification, prior criminal history and resources of the Department of Corrections. They reflect extended ranges and mandatory minimums. Minimum percentage time served requirements were also taken into consideration.

The advisory guidelines represent a rational and consistent schedule for sentencing based upon the seriousness of the offense and the level of prior criminal history. The length of the recommended sentences increase as the level of prior criminal history increases and as the seriousness of the crime increases.

The Commission respects the need for judicial discretion in sentencing, and as such, was careful to incorporate discretion into the guidelines. Judicial discretion is built into the guidelines through the use of sentencing ranges for all presumptive sentences, the use of aggravating and mitigating sentences, which are often ranges, and by suggesting a variety of alternative sanctions as appropriate.

There is a variety of ways to impose punishment. Prison is the preferred way to punish violent and repeat offenders. However, prison beds are a limited resource. The Commission places great emphasis on the responsible use of alternative sanctions. Appropriate use of alternative sanctions for non-violent and many drug offenses will result in the parsimonious use of prison beds. As mandated in the authorizing statute, the availability of correctional resources was a legitimate consideration in drafting sentencing guidelines. It is imperative to the success of these advisory guidelines, that they be used consistently whenever possible so that they achieve the goal of intelligent use of correctional resources.

It is the sincere hope of the Commission that you will consistently consult the guidelines when making decisions regarding sentencing. The Commission is very interested in your comments and suggestions for future revisions of the guidelines. The Commission is additionally charged with studying the adoption of the advisory guidelines and will provide formal feedback to you periodically.

Sincerely,

Joe Moseley, Chair

Dora B. Schriro, Ed.D., Vice-Chair

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# **Sentencing Advisory Commission**

Joe Moseley, Chair  
Private Member of Missouri Bar

Dora B. Schriro, Ed.D., Vice-Chair  
Director of Missouri Department of Corrections

Scott Decker, Ph.D.  
Department of Criminology and Criminal Justice, UMSL

James Eiffert  
Presiding Circuit Judge, 38th Circuit

Bill Gratz  
Missouri State Representative, 113th District

James Hartenbach  
Circuit Judge, 21st Circuit

Gail Hughes  
Private Citizen Member

Dee Joyce-Hayes  
Circuit Attorney, City of St. Louis

Cranston Mitchell  
Chairman, Missouri Board of Probation and Parole

Larry Rohrbach  
Missouri State Senator, 6th District

Edward Rucker  
Member of the Missouri Public Defenders Commission

## **INTRODUCTION**

Senate Bill 763, which was passed and signed by Governor Carnahan in 1994, transformed the already existing Sentencing Commission in §558.019 RSMo, into the Sentencing Advisory Commission. The new commission was given the additional charge of developing a system of recommended sentences. The commission worked diligently to arrive at the enclosed recommended sentencing grids.

## **HISTORY OF INCREASING TIME SERVED AND SENTENCE LENGTHS**

On average in 1992, inmates committed to prison in Missouri served longer sentences than inmates in all other states. Nationally, felons served 30 months; in Missouri inmates served 49.58 months. Moreover, in every charge category, inmates served a substantially greater percentage of their sentence imposed by the Court (50.8% vs. 38%).

Two years earlier in 1990, felons served 28.5 months nationally and 40.83 months in Missouri. The percentage served was 38% nationally and 55% in Missouri.

The most notable change was the average sentence length imposed by the Court. In 1990 our judges issued an average sentence of 74.31 months; nationally, it was 75 months. In 1992 our state's courts had jumped to 97.4 months while nationally the average increased by four months to 79 month sentences on average.

## AUTHORIZING STATUTE --- §558.019.6 RSMo

*(NOTE: This section is not the official code. The official code sections are found in the Revised Statutes of Missouri as published by the Joint Committee on Legislative Research.)*

...6. (1) A sentencing advisory commission is hereby created to consist of eleven members. One member shall be appointed by the speaker of the house. One member shall be appointed by the president pro tem of the senate. One member shall be the director of the department of corrections. Six members shall be appointed by and serve at the pleasure of the governor from among the following: the public defender commission; private citizens; a private member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be appointed by the supreme court, one from a metropolitan area and one from a rural area. All members of the sentencing commission appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory commission at the pleasure of the governor.

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for defendants convicted of the same or similar crimes and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

(3) The commission shall establish a system of recommended sentences, within the statutory minimum and maximum sentences provided by law for each felony committed under the laws of this state. This system of recommended sentences shall be distributed to all sentencing courts within the state of Missouri. The recommended sentence for each crime shall take into account, but not be limited to, the following factors:

- (a) The nature and severity of each offense;
- (b) The record of prior offenses by the offender;
- (c) The data gathered by the commission showing the duration and nature of sentences imposed for each crime; and
- (d) The resources of the department of corrections and other authorities to carry out the punishments that are imposed.

(4) The commission shall publish and distribute its system of recommended sentences on or before July 1, 1995. The commission shall study the implementation and use of the system of recommended sentences until July 1, 1998, and return a final report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, 1998, report, the commission may revise the recommended sentences every three years.

(5) The governor shall select a chairperson who shall call meetings of the commission as required or permitted pursuant to the purpose of the sentencing commission.

(6) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.

(7) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

# **MISSOURI SENTENCING ADVISORY COMMISSION**

## **STATEMENT OF PURPOSE**

**The purpose of the Missouri Sentencing Guidelines is to recommend a uniform policy that will ensure certainty, consistency, and proportionality of punishment, recognize the impact of crime on victims, and provide protection for society. The use of these guidelines will result in minimal sentencing disparity and a rational use of correctional resources consistent with public safety.**

**FELONY SENTENCING GUIDELINES 1997**

(except chapter 195 offenses)

PRIOR CRIMINAL HISTORY LEVEL

CLASSES FELONIES	OFFENSE	Life Without Parole or Death Penalty			
		I	II	III	IV
	Murder 2 <sup>o</sup> (mandatory 85%)	Mitigated Presumptive Aggravated Alternatives  (10-14) 15-18 (19-30)☆ C	(11-16) 17-20 (21-30)☆	(14-18) 19-22 (23-30)☆	(16-20) 21-24 (25-30)☆
	Robbery 1 <sup>o</sup>	(10) 11-14	(10-12) 13-16	(11-14) 15-18	(12-16) 17-20
	Pharmacy Robbery 1 <sup>o</sup> (mandatory 35%)	(15-30)☆ C F H	(17-30)☆	(19-30)☆	(21-30)☆
	Assault 1 <sup>o</sup> (including assault on a law enforcement officer 1st) (mandatory 35%)	(10) 11-14 (15-30)☆ C F H	(10-12) 13-16 (17-30)☆	(11-14) 15-18 (19-30)☆	(12-16) 17-20 (21-30)☆
A	Forcible Rape 2 <sup>o</sup> Forcible Sodomy 2 <sup>o</sup> (mandatory 85%)	(10) 11-14 (15-30)☆	(10-12) 13-16 (17-30)☆	(11-14) 15-18 (19-30)☆	(12-16) 17-20 (21-30)☆
	Statutory Rape 1 <sup>o</sup> Statutory Sodomy 1 <sup>o</sup> C	(10) 11-14 (15-30)☆ C	(10-12) 13-16 (17-30)☆	(11-14) 15-18 (19-30)☆	(12-16) 17-20 (21-30)☆
	Kidnapping (mandatory 35%)	(10) 11-14 (15-17) C F H	(10-12) 13-16 (17-18)	(11-14) 15-18 (19-21)	(12-16) 17-20 (21-30)☆
	Arson 1 <sup>o</sup> (mandatory 35%)	(10) 11-14 (15-17) C F H	(10-12) 13-16 (17-18)	(11-14) 15-18 (19-21)	(12-16) 17-20 (21-30)☆
	Armed Criminal Action	N/A 3-5 (6-10)	N/A 3-7 (8-15)	N/A 3-10 (11-20)	N/A 3-20 (21-30)☆
	All Other Class A Felonies	(probation) 10-13 (14-16) C E F H	(10-11) 12-15 (16-18) I	(11-13) 14-17 (18-20) I	(13-15) 16-19 (20-22)

(all sentencing ranges given in years)

\* A sentence that includes a recommendation of 30 years, also includes the option of a life sentence.

o Mandatory provisions for repeat sex offenders may apply. Please consult Chapters 558 & 566 RSMo.

**PRIOR CRIMINAL HISTORY LEVELS**

- I No prior term of incarceration AND no more than 1 prior unrelated felony finding of guilt.
- II 1 prior term of incarceration OR 2 or more prior unrelated felony findings of guilt.
- III 3 prior unrelated felony findings of guilt including at least 1 prior term of incarceration.  
(This level contains sentences that reflect extended ranges authorized pursuant to section 558.016.7 RSMo.)
- IV 4 or more prior unrelated felony findings of guilt including at least 1 prior term of incarceration. (This level contains sentences that reflect extended ranges authorized pursuant to section 558.016.7 RSMo.)

(NOTE: 4 or more prior class A or B misdemeanor findings of guilt = 1 prior felony finding of guilt [excluding traffic offenses].)

*Missouri Sentencing Advisory Commission*

PRIOR CRIMINAL HISTORY LEVEL

OFFENSE	I	II	III	IV
<b>Assault 1<sup>st</sup></b> (including assault on law enforcement officer 2 <sup>nd</sup> ) (mandatory 85%)	(5) 6-9  (10-11) E F H J	(5-7) 8-11  (12-13) C F H I	(10-11) 12-15  (16-20) C-1 F-1 I	(11-15) 16-19  (20) C-2
<b>Robbery 2<sup>nd</sup></b>	(probation) 5-8	(5) 6-9	(8-9) 10-13	(13-15) 16-19
<b>Pharmacy Robbery 2<sup>nd</sup></b>	(9-11) B E F H J	(10-12) C F H I	(14-16) C-1 F-1 I	(20) C-2
<b>Voluntary Manslaughter</b>	(probation) 5-8  (9-11) B E F H J	(5-6) 7-10  (11-12) C F H I	(7-8) 9-12  (13-15) C-1 F-1 I	(9-10) 11-14  (15-16) C-2
<b>Burglary 1<sup>st</sup></b>	(probation) 5-8  (9-10) B E F H J	(5) 6-9  (10-12) C F H I	(6-7) 8-11  (12-14) C-1 F-1 I	(7-8) 9-12  (13-15) C-2
<b>All Other Class B</b> (felonies) (including sex offense)	(probation) 5-7  (8-9) B E F H J	(5) 6-8  (9-10) C F H I	(5-6) 7-9  (10-11) C-1 F-1 I	(6-7) 8-11  (12-13) C-2
<b>Involuntary Manslaughter</b> (§ 303.110-303.024)	(probation) 1-4  (5-7) A B E F H J cj	(2) 3-6  (7) B E F H I J	(4) 5-8  (9) C-1 F-1 H-1 I	(5-6) 7-10  N/A C-2 F-2 H-2 I
<b>Aggravated Stalking</b> (2 <sup>nd</sup> offense)	(1) 2-4  (5-7) A E F H J cj	(1) 2-5  (6-7) B E F H I J cj	(2-3) 4-7  (8-9) C-1 F-1 H-1 I	(5-6) 7-10  N/A C-2 F-2 H-2 I
<b>Sexual Assault</b> <b>Deviate Sexual Assault</b>	(probation) 1-4  (5-7) A E F G H J cj	(1) 2-5  (6-7) B E F G H I J cj	(2-3) 4-7  (8-9) C-1 F-1 G H-1 I	(5-6) 7-10  N/A C-2 F-2 G H-2 I
<b>Burglary 2<sup>nd</sup></b>	N/A  (1-3) A E F H J cj	(probation) 1-3  (4-5) E F H I J cj	(1) 2-5  (6) C-1 F-1 H-1 I cj	(2) 4-6  (7) C-2 F-2 H-2 I
<b>All Other Class C</b> (felonies)	N/A  (1-2) A E F H J cj	(probation) 1-3  (4) E F H I J cj	(1) 2-5  (6-7) C-1 F-1 H-1 I cj	(1-3) 4-7  N/A C-2 F-2 H-2 I cj
<b>CDW</b>	N/A  (1-3) A B C F H cj	(probation) 1-3  (4) C F H cj	(1-2) 3-5  (6-7) F-1 H-1 cj	(3-4) 5-7  (8-10) F-2 H-2
<b>All Other Class D</b> (felonies)	N/A  (1-2) A E F H cj	N/A  (prob. or 1-2) E F H I J cj	(probation) 1-3  (4-5) F-1 H-1 I J cj	(1-2) 3-5  (6-7) B F-2 H-2 I cj

(all sentencing ranges given in years)

**\* Mandatory provisions for repeat sex offenders may apply. Please consult Chapters 558 & 566 RSMo.**

**CHAPTER 195 FELONY SENTENCING GUIDELINES 1997**  
 (applicable to all chapter 195 offenses)

OFFENSE	PRIOR CRIMINAL HISTORY LEVEL			
	I	II	III	IV
Class A Mitigated Presumptive Aggravated Alternatives	(probation) 10-11 (12-13) C D E H	(10) 11-13 (14-15) D I	(13) 14-15 (16-18) D I	(14-15) 16-18 (19-23) D I
	(probation) 5-6 (7-9) B C D E F H	(5) 6-8 (9-10) C D F H I	(6) 7-9 (10-11) C-1 D H-1 I	(7) 8-11 (12-13) C-2 D I
	N/A prob. or 1-2 (1-2) A B C D E F H cj	(probation) 1-3 (4) B C D F H I cj	(1) 2-5 (6-7) B C-1 D F-1 H-1 I cj	(1-3) 4-7 (8) B C-2 D F-2 H-2 I
	N/A prob. or 1-2 (1-2) A B C D E F H cj	N/A prob. or 1-2 (2-3) B C D F H I cj	(probation) 1-3 (4-5) B C-1 D F-1 H-1 I cj	(1-2) 4-7 (6-7) B C-2 D F-2 H-2 I

(all sentencing ranges given in years)

*NOTE: A pre-sentence investigation is recommended for all chapter 195 offenses for the purpose of determining substance abuse addiction, which may be considered as a mitigating factor.*

**PRIOR CRIMINAL HISTORY LEVELS**

- I No prior term of incarceration AND no more than 1 prior unrelated felony finding of guilt.
- II 1 prior term of incarceration OR 2 or more prior unrelated felony findings of guilt.
- III 3 prior unrelated felony findings of guilt including at least 1 prior term of incarceration.  
 (This level contains sentences that reflect extended ranges authorized pursuant to section 558.016.7 RSMo.)
- IV 4 or more prior unrelated felony findings of guilt including at least 1 prior term of incarceration. (This level contains sentences that reflect extended ranges authorized pursuant to section 558.016.7 RSMo.)

*(NOTE: 4 or more prior class A or B misdemeanor findings of guilt = 1 prior felony finding of guilt [excluding traffic offenses].)*

## **KEY TO ALTERNATIVE SANCTIONS**

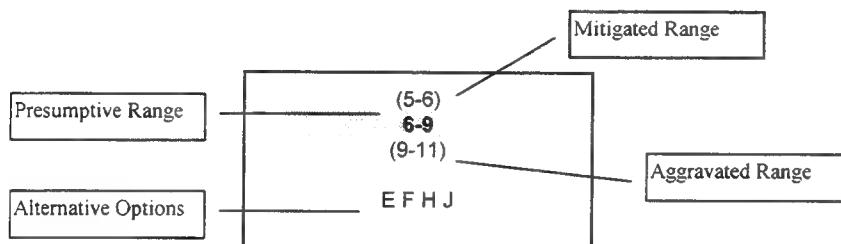
- A** May be appropriate for Deferred Prosecution (prosecutor's consideration).
- B** May be appropriate for Primary Supervision (probation) --  
Electronic Monitoring Program (EMP), Residential Treatment Facility (RTF), or Day Reporting may be used in conjunction when appropriate.
- C** May be appropriate for Intensive Supervision (probation) --  
Day Reporting may be used in conjunction at prior criminal history levels I & II;  
**C-1** indicates a recommendation of EMP to be used in conjunction;  
**C-2** indicates a recommendation of a RTF to be used in conjunction.
- D** May be Appropriate for Post Conviction Drug Treatment Program.
- E** May be Appropriate for the Regimented Discipline Program (§217.378).
- F** May be Appropriate for 120 Day Shock Incarceration Program (SIP) --  
Day Reporting may be used in conjunction at prior criminal history level II;  
**F-1** indicates a recommendation of EMP to be used in conjunction;  
**F-2** indicates a recommendation of RTF to be used in conjunction.
- G** Recommend Referral to the Sexual Offender Assessment Unit (SOAU) Prior to Sentencing.
- H** May be Appropriate for an Institutional Treatment Center (120 Day program) --  
**H-1** indicates a recommendation of EMP to be used in conjunction;  
**H-2** indicates a recommendation of an RTF to be used in conjunction.
- I** May be Appropriate for the 2 year Cocaine Program (§217.362).
- J** May be Appropriate for 120 Day Intermittent Shock Sentence.
- cj** Recommend consideration of county jail time of 1 day to 1 year in lieu of a prison sentence.

*NOTE: This list does not contain all possible alternatives. Use of other alternatives which are available is encouraged. These may include fines, local treatment programs, and weekend or night incarceration.*

## **USING THE RECOMMENDED SENTENCING GRIDS**

Two grids are contained in this manual. One contains the recommended sentencing ranges for all non-chapter 195 offenses. This grid is found on pages 7-8. The other contains the recommended sentencing ranges for all chapter 195 offenses. This grid is found on page 9.

The appropriate cell can be found by determining the row (offense) and column (prior criminal history level). The cell found at the intersection of the row and column will contain the recommended sentencing ranges. Included in each cell is a presumptive sentencing range, an aggravated range, a mitigated range and any alternative sentencing options that may be appropriate.



The numbers found in each cell represent the recommended sentencing range in years. When the presumptive range includes the maximum sentence allowable by law, no aggravated range is given. When the presumptive range includes probation, no mitigated range is given.

The presumptive range is the recommended sentencing range for a typical case, in which aggravating and mitigating factors do not exist. (Aggravating and mitigating factors are listed on pages 16-17.)

Sentences should not be chosen on the basis of race, gender, economic or social status. Rather, they should be based on the crime, prior criminal history and aggravating or mitigating factors.

## **LOCATE THE OFFENSE**

Locate the offense on the grid. The offenses are listed vertically in the first column of the grid beginning with class A felonies and ending with class D felonies. Any offense which is not listed separately is considered to be included in the “all other” box according to classification level.

*(Example: Stealing is not listed on the grid separately so it is included in the “All Other Class C Felony” category.)*

## **ATTEMPT TO COMMIT AN OFFENSE**

Unless otherwise provided by statute, attempts to commit an offense should be handled in accordance with §564.011 RSMo, in the following fashion:

<u>OFFENSE</u>	<u>CATEGORY ON GRID TO USE</u>
Attempt to Commit a Class A Felony	All Other Class B Felonies
Attempt to Commit a Class B Felony	All Other Class C Felonies
Attempt to Commit a Class C Felony	All Other Class D Felonies

## **CONSPIRACY TO COMMIT AN OFFENSE**

Unless otherwise provided by statute, in accordance with §564.016 RSMo, conspiracies to commit an offense should be handled in the following fashion:

<u>OFFENSE</u>	<u>CATEGORY ON GRID TO USE</u>
Conspiracy to Commit a Class A Felony	All Other Class B Felonies
Conspiracy to Commit a Class B Felony	All Other Class C Felonies
Conspiracy to Commit a Class C Felony	All Other Class D Felonies

## **UNCLASSIFIED CRIMES**

When sentencing for a crime which is unclassified, refer to §557.021 RSMo to define classification for the purposes of these advisory sentencing guidelines.

## **DETERMINE PRIOR CRIMINAL HISTORY LEVEL**

The horizontal axis, or top, of the grid contains the prior criminal history levels. Four levels are used. Level I includes offenders who have no prior terms of incarceration and have no more than one prior unrelated felony finding of guilt. Level II includes offenders who have one prior term of incarceration or two or more prior unrelated felony findings of guilt. Level III includes offenders who have three prior unrelated felony findings of guilt including at least one prior term of incarceration. Level IV includes offenders who have four or more prior unrelated felony findings of guilt including at least one prior term of incarceration.

The following definitions apply when determining the prior criminal history level:

- A “prior term of incarceration” means that a person has served
  - prior period of incarceration of over 120 days on a felony conviction in a state or federal correctional facility.
  
- A “prior unrelated felony finding of guilt” means a conviction or finding of guilt for a felony offense which is remote in time and/or place from the current offense. (NOTE: If there is a state and a federal finding of guilt for the same conduct, only the state finding of guilt shall be counted toward prior criminal history.)

## **OUT-OF-STATE FINDINGS OF GUILT**

Any out-of-state finding of guilt for a crime which would be considered a felony in the state of Missouri shall be used in determining the prior criminal history level. Any out-of-state finding of guilt for a crime which would be considered a class A or class B misdemeanor in the state of Missouri shall be counted toward determining the prior criminal history level in the same manner as Missouri misdemeanor findings of guilt. Any out-of-state juvenile

adjudications may apply as an aggravating factor, but not toward the prior criminal history level. If there is both a federal and a state finding of guilt for the same conduct, only the state finding of guilt shall be considered in determining prior criminal history.

## **FEDERAL FINDINGS OF GUILT**

Any federal finding of guilt for a crime which would be considered a felony in the state of Missouri, shall be used in determining the prior criminal history level. If there is both a federal and a state finding of guilt for the same conduct, only the state finding of guilt shall be considered in determining prior criminal history. Any federal finding of guilt for a crime which would be considered a class A or class B misdemeanor in the state of Missouri shall be counted toward determining the prior criminal history level in the same manner as a Missouri misdemeanor finding of guilt. Any federal juvenile adjudications may apply as an aggravating factor, but not toward the prior criminal history level.

## **MISDEMEANOR FINDINGS OF GUILT**

Four or more prior Class A or B misdemeanor findings of guilt are equal to one prior felony finding of guilt (excluding traffic offenses) for the purposes of determining the prior criminal history level.

## **JUVENILE ADJUDICATIONS**

For the purposes of determining the prior criminal history levels, prior juvenile adjudications are not relevant. However, a record of prior serious juvenile offenses may be considered as an aggravating factor.

## **MULTIPLE PRIOR FINDINGS OF GUILT**

Findings of guilt of multiple counts from one course of criminal conduct which involved one geographic location and one set of victims shall only count as one prior finding of guilt for the purpose of determining the prior

criminal history level. Multiple findings of guilt from one course of criminal conduct that involved separate geographic locations and sets of victims shall be counted individually in determining the prior criminal history level.

## **SUBSTANTIAL PERIODS OF CRIME-FREE LIVING**

Any substantial periods of crime free living, as determined by the sentencing judge, shall be considered a mitigating factor in determining the sentence. Time served under sentence shall not be considered as part of the substantial period.

## **CONSIDER AGGRAVATING AND MITIGATING FACTORS**

The court may, in its discretion, impose a sentence from the aggravated or mitigated recommended ranges upon a finding of the existence of an aggravating or mitigating factor.

*(A pre-sentence investigation is recommended prior to asserting for the purpose of imposing the recommended aggravated or mitigated sentence range.)*

### **AGGRAVATING FACTORS**

1. The offender offered or has agreed to accept or has given or received anything of value for the commission of the offense, an element of which does not already involve acceptance of the item of value.
2. The offender's conduct was especially heinous, atrocious, or cruel.
3. The defendant knowingly created a great risk of death or serious physical injury to more than one person.
4. The defendant was armed with a deadly weapon at the time of the commission of a crime, an element of which does not already involve the use of a dangerous or deadly weapon.
5. The defendant committed the offense while on pretrial release or under supervision or control of a state, local, or federal authority on another charge.
6. The defendant has a record of adjudications for serious juvenile offenses.
7. The offense involved violation of a public trust.
8. Any other aggravating factor/s reasonably related to the purposes of sentencing, as specified by the court.

### **MITIGATING FACTORS**

1. The defendant has made, or is making, restitution to the victim.
2. The defendant aided in the apprehension of another felon or testified truthfully on behalf of the prosecution in another prosecution of a felony.
3. For offenses related to drug or alcohol dependency, the defendant has agreed to enter, or has entered, and is currently involved in, or has successfully completed, a drug treatment program or an alcohol treatment program and there is a plan for continuing relapse prevention.
4. Immediately prior to the current offense, the defendant has had a substantial period of crime-free living. (Time served under sentence shall not be considered as part of the substantial period.)
5. The defendant exercised caution to avoid risk of injury to others.
6. Any other mitigating factor/s reasonably related to the purposes of sentencing, as specified by the court (i.e. the defendant has accepted responsibility for his/her criminal conduct).

## **CONSIDER ANY ALTERNATIVE OPTIONS**

The sentencing court is encouraged to consider imposition of any alternative option that may be appropriate. Alternative options are indicated by the letters found on the bottom line of each cell on the sentencing grid. A key to the alternative options is found on page 10. This list is not comprehensive. Other options may be available to the court.

	<b>A</b>	<b>B</b>
	<b>DEFERRED PROSECUTION (DIVERSION) (prosecutor's consideration)</b>	<b>PRIMARY SUPERVISION* (PROBATION)</b>
<b>ENABLING STATUTE GOAL</b>	None  To provide supervision and treatment without prosecution; reduce burden on court and correctional systems	RSMo 559  Public safety, rehabilitation, effective and efficient offender management
<b>ELIGIBILITY</b>	Adult, Male/Female	Adult, Male/Female
<b>CRIMES</b>	First time felony offenses	All felony cases except those which prohibit probation; Class A misdemeanors under Chapters 565, 566, 570 and 557.023 RSMo
<b>OFFENDER STATUS</b>	Offenders who are arrested and charged with first time felony offenses	Any adult offender charged with eligible crimes
<b>REFERRAL/RELEASE</b>	Prosecutor/ Prosecutor	Courts/Courts
<b>CURRENT LOCATION</b>	Community based; various sites throughout the state	Throughout Missouri (community programs as available)
<b>KEY ACTIVITIES</b>	Assessment, intervention, treatment and supervision	Assessment, intervention, treatment and supervision, including restitution and community service
<b>REPORTING REQUIREMENTS</b>	Board of Probation & Parole provides routine report to Prosecutor or court	Board of Probation & Parole provides routine report to court
<b>UPON SUCCESSFUL COMPLETION OF PROGRAM</b>	Charges dismissed; record closed	Discharged from supervision
<b>PROGRAM FAILURE</b>	Prosecution is initiated	Increased supervision or return to court for another authorized disposition

\*NOTE: The commission encourages the use of available community placement options in connection with primary supervision. The commission also encourages the use of the Alternative Sentencing Program provided by the Public Defender System.

	<b>C</b>	<b>D</b>
	<b>INTENSIVE SUPERVISION (PROBATION)</b>	<b>POST CONVICTION DRUG TREATMENT PROGRAM</b>
<b>ENABLING STATUTE</b>	RSMo 217.777	RSMo 217.785
<b>GOAL</b>	Public safety, rehabilitation, effective and efficient management of offenders who have not responded to primary probation supervision	Reduce relapse, reduce local and state overcrowding; enforce treatment directive in least restrictive setting
<b>ELIGIBILITY</b>	Adult, Male/Female	Adult, Male/Female
<b>CRIMES</b>	All felony cases except those prohibiting probation	First-time, non-violent felony probation
<b>OFFENDER STATUS</b>	Any adult offender charged with eligible crimes	Non-violent first offense, drug or drug factor
<b>REFERRAL/RELEASE</b>	Courts/Courts	DOC referral/ Court assignment
<b>CURRENT LOCATION</b>	Throughout Missouri	Non-institutional: community  Institutional: Institutional Treatment Centers (ITC's)
<b>KEY ACTIVITIES</b>	Intensive contact, treatment referrals, holistic casework and increased behavior management	Assessment, substance abuse treatment
<b>REPORTING REQUIREMENTS</b>	Board of Probation & Parole provides routine report to court	DOC files report with court within 120 days regarding the offender's progress in institutional phase
<b>UPON SUCCESSFUL COMPLETION OF PROGRAM</b>	Moved to Primary Supervision	Non-institutional: DOC continues on probation  Institutional: DOC releases offender to probation in community
<b>PROGRAM FAILURE</b>	Increased supervision or return to court for another authorized disposition	Non-Institutional: offender referred to ITC  Institutional: Court advised; offender to be brought before the court for revocation or other authorized disposition

	E	F
	<b>REGIMENTED DISCIPLINE PROGRAM (BOOT CAMP)</b>	<b>SHOCK INCARCERATION PROGRAM (SIP)</b>
<b>ENABLING STATUTE</b>	RSMo 217.378	RSMo 559.115
<b>GOAL</b>	Community responsibility through community restitution, discipline, and mandatory education	To provide assessment and release planning in a secure setting with monitored progress
<b>ELIGIBILITY</b>	17-25 year old Males	Adult, Male/Female
<b>CRIMES</b>	First conviction, non-violent felony	All felony offenses other than those prohibiting probation
<b>OFFENDER STATUS</b>	First conviction, non-violent felon	Inmates eligible for 120 day probation consideration
<b>REFERRAL/RELEASE</b>	Courts/Courts	Courts/Courts
<b>CURRENT LOCATION</b>	Farmington Correctional Center (50 beds)	Boonville (Men); Fulton CTCC (Women)
<b>KEY ACTIVITIES</b>	Community service, discipline and mandatory education	Assessment, employment skills, vocational guidance, substance abuse education, anger management, release planning
<b>REPORTING REQUIREMENTS</b>	DOC files report with court within 120 days regarding the offender's progress	DOC files report with court within 120 days regarding the offender's progress
<b>UPON SUCCESSFUL COMPLETION OF PROGRAM</b>	Court shall release offender to probation; release order sent to Board of Probation & Parole	Court may order release of offender to probation; release order sent to Board of Probation and Parole
<b>PROGRAM FAILURE</b>	DOC reports negative termination from program to court; sentence continues	Court may deny probation

	<b>G</b>	<b>H</b>
	<b>SEX OFFENDER ASSESSMENT UNIT (SOAU)</b>	<b>120 DAY INSTITUTIONAL TREATMENT PROGRAM</b>
<b>ENABLING STATUTE</b>	RSMo 559.115	RSMo 559.115
<b>GOAL</b>	To provide court with detailed assessment of treatment needs and community risk and recommend incarceration or probation supervision	To provide drug and alcohol treatment programs in a disciplined and structured setting
<b>ELIGIBILITY</b>	Adult, Male	Adult, Male/Female with active substance abuse problems where prior treatment in the community was unsuccessful
<b>CRIMES</b>	Sexual Assault offenses per §589.015 RSMo	All felony offenses other than those prohibiting probation
<b>OFFENDER STATUS</b>	Inmates eligible for 120 day probation consideration	Inmates eligible for 120 day probation consideration
<b>REFERRAL/RELEASE</b>	Courts/Courts	Courts/Courts
<b>CURRENT LOCATION</b>	Farmington Correctional Center	Institutional Treatment Centers
<b>KEY ACTIVITIES</b>	Specialized assessment of treatment needs and community risk; no treatment is offered	12 week substance abuse treatment
<b>REPORTING REQUIREMENTS</b>	DOC files report with court on 65th day of program participation	DOC files report with court within 120 days regarding offender's progress
<b>UPON SUCCESSFUL COMPLETION OF PROGRAM</b>	Court may sentence to probation or incarceration; release order sent to Board of Probation and Parole	Court may order release of offender to probation; release order sent to Board of Probation and Parole
<b>PROGRAM FAILURE</b>	Not applicable	Court may deny probation

	I <b>LONG TERM COCAINE PROGRAM (2 YEARS)</b>	J <b>120 DAY INTERMITTENT SHOCK SENTENCE</b>
<b>ENABLING STATUTE</b>	RSMo 217.362	RSMo 559.026
<b>GOAL</b>	To provide long-term cocaine treatment in a secure setting	To provide the court with a probation condition that allows for brief periods of incarceration in a local, state or county facility
<b>ELIGIBILITY</b>	Adult, Male/Female	Adult, Male/Female
<b>CRIMES</b>	Non-violent per §217.010.10 RSMo	All felony offenses except those prohibiting probation
<b>OFFENDER STATUS</b>	Repeating non-violent offender with documented cocaine dependency	Any adult offender charged with eligible crimes
<b>REFERRAL/RELEASE</b>	Court referral and Board of Probation and Parole recommendation/ Court release	Courts/Courts
<b>CURRENT LOCATION</b>	Fulton (Women)  Ozark Correctional Center Drug Treatment Program-Fordland (Men)	SLCRC, KCCRC, RTF's
<b>KEY ACTIVITIES</b>	Long term drug treatment of offenders with cocaine dependence in therapeutic community	Intermittent detention with community service and/or fines
<b>REPORTING REQUIREMENTS</b>	DOC files report with court prior to successful completion or at termination of program	Board of Probation & Parole provides routine report to court
<b>UPON SUCCESSFUL COMPLETION OF PROGRAM</b>	Court grants probation based upon Board of Probation and Parole recommendation	Released from custody
<b>PROGRAM FAILURE</b>	Execution of sentence by DOC; court shall be advised	Return to court for another authorized disposition

*The alternative options listed here include only those provided by the Department of Corrections. The sentencing court should also consider any additional local options where available and appropriate. Additional options may include fines, night jail, or weekend jail. The court should also consider suspended imposition or suspended execution of sentence under §557.011 RSMo.*

## **IMPOSE A SENTENCE**

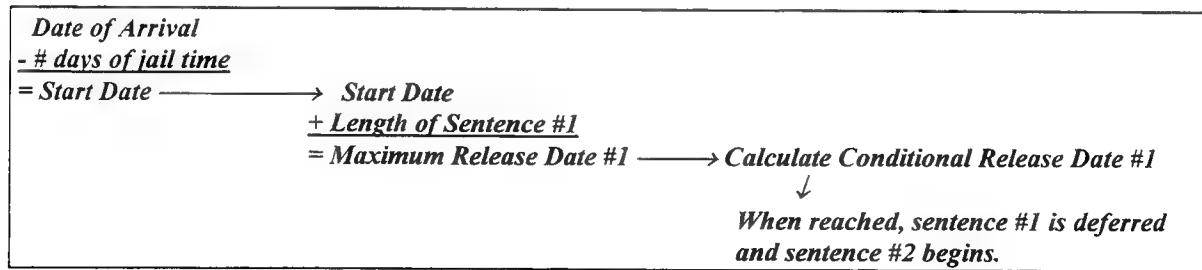
After locating the offense, determining the prior criminal history level, considering aggravating and mitigating factors, and considering alternative options, a sentence should be chosen either from the presumptive, aggravated or mitigated ranges, or from the list of alternative options. Please note that in some cases, state statute may preempt the imposition of a sentence as found on the guidelines. A list of such provisions is provided on pages 25-28.

## **CONSECUTIVE AND CONCURRENT SENTENCES**

These guidelines do not indicate any preferences for imposing sentences consecutively or concurrently. Discretion for that decision lies with the sentencing judge. It is important to note, however, the manner in which consecutive and concurrent sentences are calculated at the Department of Corrections.

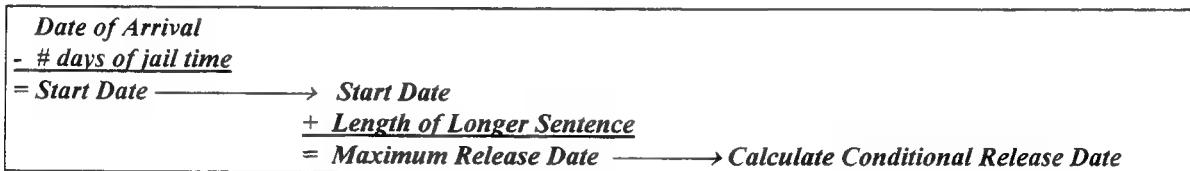
### **CONSECUTIVE SENTENCES**

Beginning with the date of arrival of the offender at the Reception and Diagnostic Center, the number of days of jail time is subtracted to arrive at the start date. To the start date, the length of sentence #1 is added to find the maximum release date for sentence #1. From this, the conditional release date is calculated based on length of sentence. (See §558.011 RSMo) When the conditional release date is reached on sentence #1, that sentence is deferred and the consecutive sentence #2 begins.



## CONCURRENT SENTENCES

Beginning with the date of arrival of the offender at the Reception and Diagnostic Center, the number of days of jail time is subtracted to arrive at the start date. The length of the longer sentence is added to the start date to get the maximum release date. From this, the conditional release term is calculated based on length of the sentence. (See §558.011 RSMo)



## **OTHER SENTENCING PROVISIONS**

The revised statutes of Missouri contain mandatory provisions for sentencing which are outside of these recommended sentencing guidelines. The recommended guidelines are not intended to replace or override such statutory mandates. If a statutory mandate is in conflict with what is contained in the recommended guidelines, the statutory mandate prevails. Below is a list of the provisions that may apply:

### **SECTION    BRIEF EXPLANATION**

**RSMo**

195.222	<b>Certain convictions of trafficking in the first degree, class A felony (Based on amount and type of drug)</b> --prohibition of probation and parole
195.285	<b>Possession or control of a controlled substance, except less than 35 grams of marijuana (§195.202.2)</b> --upgrades sentencing to a class B felony if found to be a prior drug offender or a class A felony if found to be a persistent drug offender.
195.291	<b>Distribution, delivery, manufacture or production of a controlled substance, except five grams or less of marijuana (§195.211.2) when a class B felony</b> --upgrades sentencing to a class A felony if found to be a prior drug offender or a class A felony to be served without probation or parole if found to be a persistent drug offender.
195.292	<b>Unlawful distribution to a minor and unlawful purchase or transport with a minor (§195.212 or 195.213)</b> -- upgrades sentencing to a class A felony to be served without probation or parole if found to be a prior drug offender.
195.295	<b>Trafficking drugs in the second degree by type of drug &amp; amount (§§195.223.1.1, 195.223.2.1, 195.223.3.1, 195.223.4.1, 195.223.5.1, 195.223.6.1 or 195.223.7.1)</b> --upgrades sentencing to a class A felony if found to be a prior drug offender  <b>Trafficking drugs in the second degree by type of drug &amp; amount (§§195.223.1.1, 195.223.2.1, 195.223.3.1, 195.223.4.1, 195.223.5.1, 195.223.6.1, 195.223.7.1 or 195.223.9.1)</b> -- upgrades sentencing to a class A felony without probation or parole if found to be a persistent drug offender.

	<p><b>Trafficking drugs in the second degree by type of drug &amp; amount</b> (§§195.223.1.2, 195.2.2, 195.223.3.2, 195.223.4.2, 195.223.5.2, 195.223.6.2, 195.223.7.2, 195.223.8.2 or 195.223.9.2) --upgrades sentencing to a class A felony without probation or parole if found to be a prior drug offender.</p>
195.296	<p><b>Trafficking drugs in the first degree, by type of drug &amp; amount</b> (195.222.1.1, 195.222.2.1, 195.222.3.1, 195.222.4.1, 195.222.5.1, 195.222.6.1, 195.222.7.1, 195.222.8.1) --upgrades sentencing to a class A felony without probation or parole if found to be a prior drug offender.</p>
558.018	<p><b>Rape, forcible rape, statutory rape 1<sup>st</sup> degree, sodomy, forcible sodomy, statutory sodomy 1<sup>st</sup> degree or an attempt to commit any of the aforementioned, and found to be a persistent sexual offender</b>—mandates a minimum term of imprisonment of 30 years without probation or parole.</p> <p><b>Rape, forcible rape, statutory rape 1<sup>st</sup> degree, sodomy, forcible sodomy, statutory sodomy 1<sup>st</sup> degree or an attempt to commit any of these, and found to be a predatory sexual offender</b>—sets the minimum time to be served before becoming eligible for parole at:</p> <ul style="list-style-type: none"><li>▪ <u>not less than 30 years</u> if defendant has previously pleaded guilty to or has been found guilty of forcible rape, rape, statutory rape 1<sup>st</sup> degree, forcible sodomy, sodomy, statutory sodomy 1<sup>st</sup> degree, or an attempt to commit any of these.</li><li>▪ <u>not less than 15 years</u> if defendant has previously pleaded guilty or been found guilty of child molestation 1<sup>st</sup> degree (class B), sexual abuse (class B).</li></ul> <p><i>(NOTE: The statutory calculation for a life sentence as per §558.019 RSMo does not apply to person found to be a predatory sexual offender. Life for the purposes of sentencing in this case means natural life.)</i></p> <p><b>Child molestation 1<sup>st</sup> degree (class B) or sexual abuse (class B) and is found to be a predatory sexual offender</b>— sets the minimum time to be served before becoming eligible for parole at:</p> <ul style="list-style-type: none"><li>▪ <u>not less than 15 years</u> if defendant has previously pleaded guilty to or has been found guilty of forcible rape, rape, statutory rape 1<sup>st</sup> degree, forcible sodomy, sodomy, statutory sodomy 1<sup>st</sup> degree, or an attempt to commit any of these.</li><li>▪ <u>not less than 15 years</u> if defendant has previously pleaded guilty or been found guilty of child molestation 1<sup>st</sup> degree (class B), or sexual abuse (class B).</li></ul> <p><b>If found to be a predatory sexual offender by 1) having previously committed rape, forcible rape, statutory rape 1<sup>st</sup> degree, sodomy,</b></p>

	<b>forcible sodomy, statutory sodomy 1<sup>st</sup> degree or an attempt to commit any of these, or child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, whether or not the act resulted in conviction or by 2) having committed rape, forcible rape, statutory rape 1<sup>st</sup> degree, sodomy, forcible sodomy, statutory sodomy 1<sup>st</sup> degree, an attempt to commit any of these, child molestation in the first degree when classified as a class B felony or sexual abuse when classified as a class B felony, against more than one victim, whether or not the defendant was charged with an additional offense or offenses as a result—any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.</b>
559.115	<b>Second degree murder or any other offense with a statutory prohibition; forcible rape (§566.030), forcible sodomy (§566.060), statutory rape 1<sup>st</sup> degree (§566.032), statutory sodomy 1<sup>st</sup> degree (§566.062), child molestation 1<sup>st</sup> degree when a class B felony (§566.067) or a defendant who has been found to be a predatory sexual offender as defined in §558.018 -- prohibits the granting of probation pursuant to this section</b>
566.030	<b>Forcible rape 1<sup>st</sup> degree, or attempt—sets the range of authorized imprisonment at life or a term not less than five years. If serious physical injury is inflicted, a deadly weapon or dangerous instrument is displayed in a threatening manner, subjects the victim of sexual intercourse or deviate sexual intercourse with more than one person—the range of authorized imprisonment is life or a term not less than ten years.</b>
566.032	<b>Statutory rape in the first degree—sets the range of authorized imprisonment at life or five years. If victim is less than 12 years old, serious physical injury is inflicted, a deadly weapon or dangerous instrument is displayed in a threatening manner or the victim is subjected to sexual intercourse or deviate sexual intercourse with more than one person—sets the range of authorized imprisonment at life or ten years.</b>
566.060	<b>Forcible sodomy or attempt—sets the authorized term of imprisonment at life or not less than five years. If serious physical injury is inflicted, a deadly weapon or dangerous instrument is displayed in a threatening manner or the victim is subjected to sexual intercourse or deviate sexual intercourse with more than one person—sets the authorized term of imprisonment at life or not less than ten years.</b>

566.062	<b>Statutory sodomy 1<sup>st</sup> degree</b> —sets the authorized term of imprisonment at a term of life or not less than five years. <b>If serious physical injury is inflicted, a deadly weapon or dangerous instrument is displayed in a threatening manner, the victim is subjected to sexual intercourse or deviate sexual intercourse with more than one person or the victim is less than twelve years of age</b> —sets the authorized term of imprisonment at life or not less than ten years.
569.025	<b>Pharmacy robbery 1<sup>st</sup> degree</b> —prohibits suspended execution, parole or conditional release before serving a minimum of ten years.
569.035	<b>Pharmacy robbery 2<sup>nd</sup> degree</b> —prohibits suspended execution, parole or conditional release before serving a minimum of five years.
571.015	<b>Armed criminal action</b> —requires a mandatory minimum time served as follows: <ul style="list-style-type: none"><li>• First conviction ----- 3 year minimum</li><li>• Second conviction ----- 5 year minimum</li><li>• Third or subsequent conviction --- 10 year minimum</li></ul>
571.030	<b>Discharging or shooting a firearm at or from a motor vehicle while within any city, town or village or discharging or shooting a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless acting in self defense [subdivision (9) of subsection 1 of this section]</b> -- shall be punished as follows: <ul style="list-style-type: none"><li>• 1<sup>st</sup> violation --- maximum authorized term for class B</li><li>• Prior offender as per §558.016--- maximum authorized term for class B felony without probation, parole or conditional release for a term of 10 years</li><li>• Persistent offender as per §558.016 -- maximum authorized term for a class B felony without probation, parole or conditional release</li><li>• Violation resulting in injury or death --- sentenced as a class A felony</li></ul>
575.270	<b>Tampering with a victim or a witness</b> —prohibits parole.

## Appendix A

Listed below are the appropriate prior criminal history levels for all possible variations of prior prison and prior non-prison terms.

Prior Criminal History Level	Prior Term(s) of Incarceration	Prior Unrelated Felony Findings of Guilt
I	0	0
I	0	1
II	0	2
II	0	3+
II	1	0
II	1	1
II	2	0
III	1	2
III	2	1
III	3	0
IV	1	3+
IV	2	2+
IV	3	1+

## Appendix B

### Missouri Non-Drug Felony Offenses By Classification

Class	RSMo	Description
A	565.020	Murder 1 <sup>st</sup> Degree
A	565.021	Murder 2 <sup>nd</sup> Degree
A	565.050	Assault 1 <sup>st</sup> Degree - Serious Physical Injury
A	565.081	Assault On Law Enforcement Officer, 1 <sup>st</sup> Degree
A	565.110	Kidnapping
A	565.180	Elder Abuse - 1 <sup>st</sup> Degree
A	566.030	Rape With A Weapon Or Physical Injury
A	569.020	Robbery 1 <sup>st</sup> Degree
A	569.025	Pharmacy Robbery 1 <sup>st</sup> Degree
A	569.040	Arson 1 <sup>st</sup> Degree Causing Serious Physical Injury Or Death
A	569.070	Causing Catastrophe
A	571.030	Discharging Or Shooting A Firearm At Or From A Motor Vehicle- Physical Injury/Death
A	571.030	Aiding Or Abetting A Person Discharging Or Shooting A Firearm At Or From A Motor Vehicle - Physical Injury/Death
A	575.040	Perjury To Secure Conviction Of Accused For Murder
A	575.200	Escaping Custody By Means Of Deadly Weapon Or Dangerous Instrument Or By Holding Hostage
A	575.210	Escape From Confinement By Deadly Weapon Or Dangerous Instrument Or By Holding Hostage
A	576.070	Treason
A	578.305	Assault With Intent To Commit Bus Hijacking With A Weapon
A	578.310	Plant Or Place Bomb Or Explosive At Or Near Bus Or Terminal
A	578.310	Discharge Firearm, Hurl Missile At, Into Or Upon Bus
B	217.360	Possession Of Gun, Knife, Weapon Or Other Article That May Be Used To Endanger Life On Premises Of A Correctional Facility
B	217.385	Violence To An Employee Of Department Of Corrections Or To An Inmate By An Inmate
B	221.111	Deliver-Possess-Deposit-Conceal In A County Correctional Facility Or County Jail A Gun-Knife-Weapon Or Other Personal Property That Will Endanger Prisoner Or Employee
B	313.610	Parimutuel Wagering Without Valid License
B	313.680	Racing Horses Under Assumed Names
B	313.690	Bribery Of Track Official; Passing Fraudulent Parimutuel Ticket; Unauthorized Admissions Sales
B	313.700	Administering Drugs To A Horse
B	459.045	Person Who Falsifies/Forges Declaration Causing Withholding Of Medical Procedures
B	565.023	Voluntary Manslaughter
B	565.050	Assault 1 <sup>st</sup> Degree

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B	565.082	Assault On Law Enforcement Officer, 2 <sup>nd</sup> Degree
B	565.110	Kidnapping Facilitating A Felony Or Injury
B	565.182	Elder Abuse - 2 <sup>nd</sup> Degree
B	566.067	Child Molestation - 1 <sup>st</sup> Degree - Displays A Deadly Weapon Or Serious Physical Injury
B	566.100	Sexual Abuse - Displays Deadly Weapon Or Serious Physical Injury
B	567.050	Promoting Prostitution- 1 <sup>st</sup> Degree
B	568.030	Abandonment Of Child - 1 <sup>st</sup> Degree
B	568.060	Abuse Of Child- Serious Emotional Injury
B	568.080	Use Of Child In Sexual Performance - Serious Emotional Injury
B	569.030	Robbery 2 <sup>nd</sup> Degree
B	569.035	Pharmacy Robbery 2 <sup>nd</sup> Degree
B	569.040	Arson 1 <sup>st</sup> Degree
B	569.050	Arson 2 <sup>nd</sup> Degree Causing Serious Physical Injury Or Death
B	569.160	Burglary 1 <sup>st</sup> Degree
B	570.030	Livestock Theft, Second Conviction And Over \$3000
B	571.030	Discharging Or Shooting A Firearm At Or From A Motor Vehicle
B	571.030	Aiding Or Abetting A Person Discharging Or Shooting A Firearm At Or From A Motor Vehicle
B	571.150	Possessing A Metal Penetrating Bullet During The Commission Of A Crime
B	573.025	Promoting Child Pornography 1 <sup>st</sup> Degree
B	574.105	Money Laundering
B	575.040	Perjury To Secure Conviction Of Accused For Felony Other Than Murder
B	575.210	Escape Or Attempted Escape From The Department Of Corrections
B	575.230	Aiding Escape Of Prisoner By Deadly Weapon Or Dangerous Instrument
B	575.240	Public Servant Knowingly Permit Escape By Deadly Weapon Or Dangerous Instrument
B	578.305	Bus Hijacking
B	578.409	Causing Loss To Or Theft From Animal Facility Over \$100,000
B	578.409	Property Damage To Animal Facility Over \$100,000
C	042.140	Release Or Use Of Names And Addresses Of Individuals Contributing To The Veteran's Trust Fund
C	191.905	Violations Involving Health Care Payments - 2 <sup>nd</sup> Offense; Abuse Of Health Care Recipient -- Injury/Property Value Over \$150
C	217.385	Damage To Department Of Corrections Building Or Property By An Inmate
C	252.235	Selling Any Species Of Fish Or Wildlife, Or Parts Thereof Including Eggs, Which Have Been Taken Or Possessed In Violation Of The Rules And Regulations Of The Commission- Value More Than \$150
C	276.421	Grain Dealers - False Or Inaccurate Financial Statements
C	301.400	Removal Or Defacing Manufacturer's Number
C	306.111	Involuntary Manslaughter - Watercraft
C	313.290	Fraud Counterfeits/Alters/Forge State Lottery Ticket
C	313.660	Off-Track Wagering
C	334.010	Unauthorized Practice Of Medicine Or Surgery
C	334.250	Filing Another's Medical License As Own Or Forging An Affidavit Of Identification
C	334.250	Unlawful Practice Of Midwifery
C	338.195	Violation Of Pharmacy Law By Non-Licensed Person

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C	374.216	Filing A False Insurance Statement
C	375.1176	Interference With Liquidation Of Insurer
C	375.720	Failure/Refusal To Deliver Assets Of Insurer To Director
C	375.991	Commission Of Fraudulent Insurance Act - Prior Offense
C	411.260	Grain Warehouse - False Or Inaccurate Financial Statements
C	411.287	Violation Of An Order To Stop Shipping Grain
C	411.371	Issuing A Counterfeit Warehouse Receipt For Grain/Issuance Of Receipt By Unlicensed Person
C	411.517	Filing False Records Relating To Grain Warehouses
C	411.770	Stealing Grain
C	429.012	Any Contractor Issuing A Fraudulent Lien Waiver
C	429.013	Falsifying Signature Of An Owner With Intent To Defraud
C	429.014	Lien Fraud- Knowingly Issuing A Fraudulent Consent Of Owner Over \$500
C	443.819	Violation Of Provisions Related To The Residential Mortgage Brokers License Act
C	443.819	Operating Under An Improper Business Name As Stated By The Residential Mortgage Brokers Act - Prior Offender
C	565.024	Involuntary Manslaughter
C	565.024	Involuntary Manslaughter- Vehicular
C	565.060	Assault 2 <sup>nd</sup> Degree
C	565.060	Assault 2 <sup>nd</sup> Degree - Vehicular Injury
C	565.084	Tampering With Judicial Officer
C	565.120	Felonious Restraint
C	565.225	Aggravated Stalking - 2 <sup>nd</sup> Offense
C	565.253	Invasion Of Privacy - Prior Offender
C	566.034	Statutory Rape - 2 <sup>nd</sup> Degree
C	566.040	Sexual Assault - 1 <sup>st</sup> Degree
C	566.064	Statutory Sodomy - 2 <sup>nd</sup> Degree
C	566.067	Child Molestation - 1 <sup>st</sup> Degree
C	566.070	Deviate Sexual Assault
C	566.100	Sexual Abuse - 1 <sup>st</sup> Degree
C	567.060	Promoting Prostitution - 2 <sup>nd</sup> Degree
C	568.045	Endangering Welfare Of Child In Ritual/Ceremony 1 <sup>st</sup> Offense
C	568.060	Abuse Of Child
C	568.080	Use Of Child In Sexual Performance
C	568.090	Promoting A Sexual Performance By A Child
C	568.175	Trafficking In Children
C	569.050	Arson - 2 <sup>nd</sup> Degree
C	569.080	Tampering - 1 <sup>st</sup> Degree
C	569.080	Tampering - 1 <sup>st</sup> Degree, With Service Of Utility Or Institution
C	569.080	Tampering - 1 <sup>st</sup> Degree, With Motor Vehicle, Airplane, Motor Boat, Etc.
C	569.085	Unlawful Endangerment Of Property
C	569.097	Damage To Computer Equipment, System Or Network \$1000 Or Greater
C	569.170	Burglary - 2 <sup>nd</sup> Degree
C	570.030	Stealing
C	570.030	Stealing Of A Motor Vehicle
C	570.040	Stealing - 3 <sup>rd</sup> Offense
C	570.090	Forgery

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C	570.100	Possession Of A Forging Instrument
C	570.210	Theft Of Library Material Over \$150.00
C	570.217	Misapplication Of Funds Of Financial Institution - Over \$1,000
C	570.220	Check Kiting
C	570.300	Theft Of Cable TV Services Of \$150.00 Or More
C	571.020	Unlawful Possession, Transport, Manufacture, Repair Or Sale Of Illegal Weapon
C	571.070	Unlawful Possession Of A Concealable Firearm
C	573.035	Promoting Child Pornography - 2 <sup>nd</sup> Degree
C	574.070	Promoting Civil Disorder In The 1 <sup>st</sup> Degree
C	574.085	Institutional Vandalism - Over \$5,000
C	574.090	Ethnic Intimidation - 1 <sup>st</sup> Degree
C	575.040	Perjury In A Procedure Involving A Felony Charge
C	575.210	Escape From Confinement By Force
C	575.260	Tampering With Judicial Proceeding
C	575.270	Tampering With A Victim Or A Witness In A Felony Prosecution
C	575.280	Acceding To Corruption Judiciary
C	578.150	Failure To Return Leased Or Rented Property Value \$150 Or More
C	578.265	Selling Or Transferring Possession Of Solvents For Purposes Of Causing Certain Symptoms
C	578.305	Assault With Intent To Commit Bus Hijacking
C	578.310	Threat To Place Or Plant Bomb Or Explosive At Or Near Bus Or Terminal
C	578.320	Possession Or Weapon, Explosive Or Hazardous Material On Bus Or In Terminal
C	578.365	Hazing - Life Endangerment
C	578.389	Every Person Who Has Been Previously Convicted Of Two Violations For Crimes Relating To Liability Arising From The Application For Or Receipt Of Public Assistance Upon Subsequent Conviction Of These Offenses Be Guilty Of Class C Felony
C	578.409	Causing Loss To Or Theft From Animal Facility From Over \$10,000 To \$100,000
C	578.409	Property Damage To Animal Facility Over \$10,000 To \$100,000
C	578.433	Keeping Or Maintaining A Public Nuisance Criminal Street Gang
D	032.057	Breach Of Confidentiality Re Taxes
D	105.458	Committed Acts Prohibited By Members Of Governing Bodies Of Political Subdivision 2nd And Subsequent Offenses
D	105.478	Ethics Violation By Elected Official Or Lobbyist, 2 <sup>nd</sup> Offense
D	147.120	Making False Statements On Franchise Tax Report
D	191.677	Serving As Donor Or Risking Infection Of Another With HIV
D	191.905	Violations Involving Health Care Payments - 1 <sup>st</sup> Offense
D	193.315	False Information For Birth Certificate
D	194.410	Knowingly Disturb, Destroys, Removes, Vandalizes Or Damages An Unmarked Human Burial Site
D	194.410	Knowingly Appropriates For Profit, Uses For Profit, Sells, Purchases Or Transports For Sale Or Profit Any Human Remains Without The Right Of Possession - 2 <sup>nd</sup> Offense
D	194.410	Knowingly Appropriates For Profit, Uses For Profit, Sells, Purchases Or Transports For Sale Or Profit Any Cultural Items Obtained In Violation of 194.400 to 194.410 - 2 <sup>nd</sup> Offense
D	197.266	Abuse, Neglect Or Misappropriation Of Client Property By Hospice Employee

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D	197.326	Offering Bribe To Health Facilities Review Committee-2 <sup>nd</sup> Offense
D	198.070	Abuse Or Neglect Residents Of Nursing Home Facility
D	198.097	Misappropriation Of Funds Of Elderly Nursing Home Residents
D	198.158	Misuse Of Medicaid Money In Operating A Nursing Home
D	204.330	Making False Statements/Tampering With Monitoring Device On Sewer Treatment System- 2 <sup>nd</sup> Offense
D	205.965	Doing Business As Food Stamp Vendor Without License - 2 <sup>nd</sup> Offense
D	210.165	Every Person Previously Convicted Of False Child Abuse Report Or Neglect And Subsequently Convicted Of Making A False Report
D	214.410	Violation Of Cemetery Trust Fund Law
D	217.360	Possession Of Other Alkaloid Of Any Kind, Spirituous Or Malt Liquor On Premises Of A Correctional Facility
D	217.542	Failure To Return To House Arrest
D	221.111	Deliver- Possess- Deposit- Conceal In A County Correctional Facility Or County Jail Alkaloid Or Spirituous Or Malt Liquor
D	252.235	Selling Any Species Of Fish Or Wildlife, Or Parts Thereof Including Eggs, Which Have Been Taken Or Possessed In Violation Of The Rules And Regulations Of The Commission- Value More Than \$150 -Second Or Subsequent Violation
D	260.207	Failure By Operator Of Recovery/Waste Processing Facility Or Landfill To Notify Department Of Natural Resources Of Prior Convictions
D	260.208	Failure By Provider Of Solid Waste Management Services To Notify Subdivision Of Prior Convictions
D	260.211	Criminal Disposition Of Demolition Waste, Subsequent Violation
D	260.212	Criminal Disposition Of Solid Waste, Subsequent Violation
D	285.306	Employee Refusal To Complete A Child Support Withholding Form
D	285.308	Employee Stating On A Withholding Form That Child Support Is Not Owed When Such Employee Knowingly Owes Support
D	301.390	Sale Or Possession Of Motor Vehicle-Trailer-Boat-Motor Vehicle Tire-Outboard Motor-Farm Equipment-Construction Equipment Or Parts With Missing Or Falsified Identification Numbers
D	301.401	Remove Or Deface Manufacturer's Number On Special Mobile Equipment
D	301.559	Failure Of A Motor Vehicle Dealer/Manufacturer, Boat Dealer/Manufacturer To Obtain A License, Subsequent Offense
D	306.111	Assault - Watercraft, 2 <sup>nd</sup> Degree
D	306.111	Operation Of A Watercraft While Intoxicated, 3 <sup>rd</sup> And Subsequent Offenses
D	306.111	Negligent Operation Of A Watercraft, 3 <sup>rd</sup> And Subsequent Offenses
D	306.112	Operating A Watercraft With Excessive Blood Alcohol Content, 3 <sup>rd</sup> And Subsequent Offense
D	306.141	Leaving The Scene Of A Vessel Accident - Physical Injury
D	313.004	Violation Of Laws Pertaining To Riverboat Gambling Ownership
D	313.290	Intent To Defraud By Manufacture/Possession Of Counterfeit State Lottery Ticket Or Device
D	313.550	Testifying Falsely Under Oath Before The MO Horse Racing Commission
D	313.830	Violation Of Laws Pertaining To Riverboat Gambling (Jurisdiction Of Port City)
D	320.089	Improper Label Fire Protective Equipment
D	374.210	Filing False Statement
D	375.390	Using Funds Of Insurance Company For Private Gain
D	375.537	Concealing, Transferring, Or Destroying Any Property Belonging To An Insurer

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D	375.991	Commission Of Fraudulent Insurance Act
D	382.275	Making False Statement To Director Of Insurer
D	407.020	Deception, Fraud, False Pretense, False Promise, Misrepresentation, Unfair Practice Or Concealment, Suppression Or Omission Of Any Material Fact In Connection With The Sale Or Advertisement Of Any Merchandise In Trade Or Commerce Or The Solicitation Of Funds For Charitable Purpose Is Unlawful Practice
D	407.095	Any Person Willfully And Knowingly Violating An Order Of Attorney General Relating To Charitable Solicitations
D	407.295	Improper Use Of After Market Crash Parts By Failure To Affix Logo Or By Insurer Specifying Use In Repair
D	407.420	Pyramid Sales Schemes Prohibited
D	407.436	Defrauding Of Credit Card Holder, Issuer Or Acquirer By An Authorized Merchant (Or Employee Thereof)
D	407.521	Odometer Fraud 2 <sup>nd</sup> Degree
D	407.536	Defacing, Obscuring Or Otherwise Falsifying Any Odometer Reading
D	455.085	Violation Of Term Of Ex Parte Or Full Order Of Protection Within 5 Years
D	476.055	Using A Closed Judicial Record For Financial Gain
D	542.402	Interception Wire Communication In Violation Of 542.402
D	565.075	Assault While On School Property
D	565.130	False Imprisonment Removed From State
D	565.150	Interference With Custody
D	565.153	Parental Kidnapping
D	565.156	Child Abduction
D	565.188	Filing False Report Of Elder Abuse - 2 <sup>nd</sup> Offense
D	565.225	Aggravated Stalking - 1st Offense Or Stalking 2 <sup>nd</sup> Offense
D	565.253	Invasion Of Privacy Of Multiple Individuals
D	566.068	Child Molestation - 2 <sup>nd</sup> Degree - Displays A Deadly Weapon Or Serious Physical Injury
D	566.090	Sexual Misconduct - 1 <sup>st</sup> Degree - Displays A Deadly Weapon Or As A Part Of A Ritual Or Ceremony- Prior Offender
D	567.070	Promoting Prostitution - 3 <sup>rd</sup> Degree
D	568.020	Incest
D	568.032	Abandonment Of Child - 2 <sup>nd</sup> Degree
D	568.040	Non-Support In Each Of Six Individual Months Within Any Twelve Month Period, Amount Owed Is In Excess Of \$5,000
D	568.045	Endangering Welfare Of Child 1 <sup>st</sup> Degree
D	568.050	Endangering Welfare Of Child In Ritual/Ceremony 2 <sup>nd</sup> Offense
D	569.055	Knowingly Burning Or Exploding
D	569.090	Tampering - 2 <sup>nd</sup> Degree With Utility - 2 <sup>nd</sup> Offense
D	569.095	Tampering With Computer Data To Defraud Or Obtain Property Over \$150
D	569.097	Damage To Computer Equipment System Or Network \$150 Or More But Less Than \$1000
D	569.099	Tampering With Computer Users To Defraud Or Obtain Property Valued Over \$150
D	569.100	Property Damage 1 <sup>st</sup> Degree
D	569.180	Possession Of Burglary Tools
D	570.033	Stealing Animals
D	570.085	Alter Or Remove Item Number With Intent To Deprive Lawful Owner

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D	570.120	Passing A Bad Check In The Amount Of \$150.00 Or More/No Account
D	570.125	Fraudulently Stop Payment Of An Instrument Over \$150.00
D	570.130	Fraudulent Use Of Credit Card Device - 30 Days - \$150.00 Or More
D	570.180	Defrauding Secured Creditors - \$500 Or More
D	570.217	Misapplication Of Funds Of Financial Institution
D	570.219	Making False Entries In Records Of Financial Institution
D	571.030	Unlawful Use Of Weapon
D	571.060	Unlawful Transfer Of Weapon
D	572.020	Gambling - Professional Player
D	572.030	Promoting Gambling - 1 <sup>st</sup> Degree
D	572.050	Possession Of Gambling Records - 1 <sup>st</sup> Degree
D	573.020	Promoting Pornography - 1 <sup>st</sup> Degree
D	573.030	Promoting Pornography For Minors After Having Pled Guilty Or Been Found Guilty Of A Prior Offense Under This Section
D	573.037	Possession Or Control Of Child Pornographic Material After Having Pled Guilty Or Been Found Guilty Of A Prior Offense Under The Section
D	573.040	Furnishing Pornographic Material To Minors After Having Pled Guilty Or Been Found Guilty Of A Prior Offense Under This Section
D	573.060	Public Display Of Explicit Sexual Material After Having Pled Guilty Or Been Found Guilty Of A Prior Offense Under This Section
D	573.065	Coercing Acceptance Of Obscene Material
D	573.100	Using, Or Allowing Telephone To Be Used For Making Direct Or Recorded Comment, Request, Suggestion Or Proposal Which Is Obscene Or Indecent 2nd Offense
D	574.085	Institutional Vandalism - \$1,000 to \$5,000
D	574.093	Ethnic Intimidation - 2 <sup>nd</sup> Degree
D	575.020	Concealing An Offense - Felony
D	575.030	Hindering Prosecution - Felony
D	575.040	Perjury In A Procedure Not Involving A Felony Charge
D	575.100	Tampering With Physical Evidence - Felony Charge
D	575.150	Resisting/Interfering With Arrest For A Felony
D	575.180	Failure To Execute Warrant
D	575.195	Escape From Commitment
D	575.200	Escaping Custody Under Arrest For A Felony
D	575.210	Escape From Confinement
D	575.220	Failure To Return To Confinement Missouri Dept. Of Corrections
D	575.230	Aiding Escape Of Prisoner Confined For Felony
D	575.240	Public Servant Knowingly Permitting Escape
D	575.280	Acceding To Corruption - Felony Prosecution
D	576.010	Bribery Of A Public Servant
D	576.020	Acceding To Corruption By A Public Servant
D	577.010	DWI (Alcohol Intoxication) - Persistent Offender
D	577.010	DWI (Drug Intoxication) - Persistent Offender
D	577.010	DWI (Combined Alcohol/Drug Intoxication) - Persistent Offender
D	577.012	Blood Alcohol Content 10/100%
D	577.060	Left Scene Of A Motor Vehicle Accident
D	577.065	Leaving Scene Of ATV Accident - Death Or 2 <sup>nd</sup> Offense
D	578.012	Animal Abuse – Persistent Offender
D	578.025	Dog Fighting

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D	578.157	Abandonment Of A Corpse
D	578.330	Remove Baggage From Bus Or Terminal Without Owners Consent
D	578.377	Unlawfully Receiving Food Stamp Coupons Or ATP Cards Over \$150 Value
D	578.379	Unlawful Conversion Of Food Stamp Coupons Or ATP Cards To Property Value Over \$150
D	578.381	Unlawful Transfer Of Food Stamp Coupons Or ATP Cards Valued Over \$150 To Person Not Entitled To Receive Such
D	578.385	Perjury In The Application To Obtain Public Assistance Over \$150
D	578.409	Causing Loss To Or Theft From Animal Facility From Over \$300 To \$10,000
D	578.409	Property Damage To Animal Facility Over \$300 To \$10,000
D	610.125	Knowingly Uses Expunged Records Of Arrest For Financial Gain
D	630.155	Patient, Resident, Or Client Abuse Or Neglect In Mental Health Facility Or Program - Brutal Or Inhumane Manner Or Substantial Probability Of Death Or Serious Physical Harm
D	660.300	Abuse/Neglect Of Inhome Services Client
	115.631	Class One Election Offenses
	115.633	Committing Class Two Election Offenses
	142.374	No Special Fuel User Tax License With Intent To Defraud
	142.422	Operate Commercial Motor Vehicle Propelled By Special Fuel Interstate w/o Special Fuel License Or Permit Issued By Director Of Revenue With Intent To Defraud
	142.432	Failed To Display Fuel License/Fuel Permit To Operate A Commercial Motor Vehicle Interstate With Intent To Defraud
	143.911	Attempting To Evade Or Defeat Income Tax
	143.921	Failure To Collect Or Pay Over Income Tax
	143.931	Failure To File A Missouri Income Tax Return
	143.941	Filing A False Missouri Income Tax Return
	144.480	Failure To Make A Sales Tax Return
	144.490	Filing False Sales Tax Return
	188.080	Unlawful Abortion By Other Than Licensed Physician
	205.967	Obtaining Public Assistance Information Illegally
	217.720	Parole Violation (For Law Enforcement Purposes Only)
	252.220	Violation Of The Wildlife And Forestry Law
	260.425	Violation Of Hazardous Wastes Management Or Transportation Practices
	311.410	Illegal Transportation Of Liquor
	311.420	Transporting Over 5 Gallons Of Intoxicating Liquor Interstate Or Intrastate Without Permit Or License
	311.450	Transporting In Excess Of 100 Gallons Of Any Alcoholic Liquor Into, Within Or Through Missouri Without Proof Of Shipment
	311.550	Selling Intoxicating Liquor Without State License
	312.050	Having A License To Sell Non-Intoxicating Liquor But Having Or Selling Intoxicating Liquor On The Premises
	409.101	Fraudulent Security Practice
	409.201	Failed To Register As Broker/Dealer
	409.301	Sale Of Unregistered Securities
	544.665	Failure To Appear - Felony
	548.141	Fugitive From Out Of State
	559.036	Probation Violation

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	566.030	Forcible Rape
	566.032	Statutory Rape
	566.060	Forcible Sodomy - Displays A Deadly Weapon Or Serious Physical Injury
	566.060	Forcible Sodomy
	566.062	Statutory Sodomy - 1 <sup>st</sup> Degree
	570.155	Initiating Sports Bribery
	570.190	Telephone Service Fraud
	570.225	Unauthorized Recording - First Offense, More Than 100 Articles - Second And Subsequent Offenses
	571.015	Armed Criminal Action
	578.423	Participating Knowingly In Criminal Street Gang Activities
	578.425	Felony Or Misdemeanors Committed To Promote Or Assist Criminal Conduct By Gang Members
	643.225	Second Or Successive Conviction Of Individual Engaging In An Asbestos Abatement Project, Inspection, Management Plan Or Asbestos Air Sampling Without Certificate
	643.232	Asbestos Abatement Contractor Failing To Comply With Regulatory Agencies - 2 <sup>nd</sup> Offense
	643.237	Undertaking Asbestos Abatement Project Without Meeting Requirements - 2 <sup>nd</sup> Offense
	643.240	Second Or Successive Conviction Of Commencing Asbestos Abatement Project Without Making All Reasonable Efforts To Minimize Spread Of Friable Asbestos
	643.250	Second Or Successive Conviction Of Refusal To Permit Entry Of Any Authorized Representative Of The Department Of Natural Resources For Purpose Under Section 643.225 To 643.250

**Missouri Felony Drug Offenses  
By Classification**

Class	RSMo	Description
A	195.202	Possess Controlled Substance Except 35 Grams or Less Marijuana Persistent Offender
A	195.211	Distribute, Deliver (Sell), Manufacture a Controlled Substance - Prior/Persistent Offender
A	195.214	Distribution of Controlled Substance Near Schools
A	195.218	Distribution of a Controlled Substance Near Public Housing or Other Governmental Assisted Housing
A	195.222	Trafficking in Drugs in the 1 <sup>st</sup> Degree
A	195.223	Trafficking in Drugs in the 2 <sup>nd</sup> Degree
B	195.202	Possess Controlled Substance Except 35 Grams or Less Marijuana Prior Offender
B	195.211	Distribute, Deliver (Sell), Manufacture a Controlled Substance
B	195.212	Distribute Controlled Substance to a Minor
B	195.213	Purchase or Transport of Controlled Substance With a Minor
C	195.202	Possession of Controlled Substance Except 35 Grams or Less of Marijuana
C	195.211	Distribute or Deliver (Sell) Not More than 5 Grams of Marijuana
C	195.400	Found Guilty Second Time of Not Submitting Report to Department of Health
C	217.360	Possession of Controlled Substance Unless Authorized on Premises of Correctional Facility
C	221.111	Deliver, Possess, Deposit, Conceal in a County Correctional Facility or County Jail a Controlled Substance Except With a Written Prescription
C	338.333	Acted as Wholesale Drug or Pharmacy Distributor Without Obtaining License
C	338.337	Wholesale Distribution of Drugs By Out-of-State Distributor Without License
C	338.340	Sale of Drugs by Out-Of-State Distributor Without License
D	195.204	Fraudulently Attempting to Obtain a Controlled Substance
D	195.235	Deliver (Sell), Possess With Intent to Deliver (Sell), or Manufacture With Intent to Deliver (Sell) Drug Paraphernalia
D	195.242	Deliver (Sell), Possess or Manufacture With Intent to Deliver (Sell) Imitation Controlled Substance
D	195.252	Distribute or Dispense a Controlled Substance Without Obtaining a Registration
D	195.254	Manufacturer, Distributor or Agent or Employee To Deliver Controlled Substance
D	195.256	Manufacture, Deliver or Possess With Intent to, A Controlled Substance in a Container Falsely Marked
D	195.400	Seller and Purchaser must Sign Document that Transfer was Made - Furnish a Report of Transaction to Department of Health
D	195.405	Sell, Transfer, Furnish or Receive any Substance Without Registration
D	195.420	Possess With Intent to Manufacture, Compound, Convert, Produce, Process, Prepare, test or Alter Chemical To Controlled Substance or Analogue
D	338.315	Knowingly Purchase or Receive any Legend Drugs From Other than a Licensed or Registered Drug Distributor or Licensed Pharmacy - 2 <sup>nd</sup> and Subsequent Conviction